

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-16876 of 2015

Date of Decision: January 28, 2016

Balbir Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.R.S. Rai, Sr. Advocate with
Mr. Vikram Singh, Advocate
for the petitioner.

Mr. C.S. Bakshi, Addl.A.G., Haryana.

Mr. Amit Parashar, Advocate.

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M.M.S. BEDI, J. (ORAL)

In the present case, the petitioner apprehends arrest on the basis of FIR which was registered on the basis of the complaint submitted to Secretary, Municipal Committee, Safidon, by Sham Sunder, claiming to be President of Samaj Sudhar Samiti alleging that no objection certificate had been obtained from the Municipal Committee by the petitioner on the basis of forged documents.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case on account of his son having a matrimonial dispute with his wife and the complainant being related to his wife has misused his authority to lodge criminal proceedings against the petitioner.

On the other hand, State counsel assisted by counsel for the complainant has vehemently contended that the petitioner is running a school and college in the area of Safidon. He has wrongly shown the area of the premises to be 12153 sq. mts which was never approved by the Municipal Committee. No clearance certificate in the shape of “no objection certificate” was granted to the petitioner. It is also alleged that the map was not sanctioned before the construction was raised. On the basis of false and forged document as genuine, the petitioner was able to get recognition from the University.

I have heard learned counsel for the petitioner and considered the allegations in context to the provisions of definition of forgery under Section 463 IPC and the provisions of Sections 467 and 471 IPC. The petitioner is alleged to have obtained benefit which was not permissible to him as per the provisions of Haryana Municipal Corporation Act, 1994. It appears that no penal action has been taken in accordance with law against the petitioner.

Without further entering into the merits of the allegations against the petitioner, it is sufficient to observe that pursuant to the interim

orders passed by this Court, the petitioner has already joined investigation.

It does not appear to be a case of custodial interrogation.

On the asking of the Court, State counsel, on the instructions of SI Pawan Kumar informs that the petitioner has joined investigation.

In view of the above, the petition is allowed and it is ordered that in case of arrest of the petitioner he will be released on bail to the satisfaction of the arresting officer subject to the conditions that the petitioner will join investigation as and when required by the police and that he will not tamper with the evidence or hamper the investigation in any manner. In case the prosecution agency opts to present challan against the petitioner, the petitioner would be released on bail on his appearance before the Court concerned.

January 28, 2016
sanjay

(M.M.S.BEDI)
JUDGE